

VILLAGE OF CAPAC

ORDINANCE NO. 2021-03

AN ORDINANCE TO AMEND CHAPTER 30  
TO THE CODE OF ORDINANCE OF THE VILLAGE OF CAPAC

THE VILLAGE OF CAPAC ORDAINS:

SECTION 1. Amendment to Section 30-3.

The following definition for *medical marijuana home occupation* is added to Section 30-3 of the Village of Capac Zoning Ordinance:

Medical marijuana home occupation means the cultivation of medical marijuana by a registered primary caregiver as defined in Sec. 3 of the Act, MCL §333.26423(g), in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL §333.26423(e), within a single family dwelling that is the registered primary caregiver's primary residence and which cultivation is in conformity with the restrictions and regulations contained in the Act and in the State Regulations developed by the Michigan Department of Community Health (MCDH). Medical Marijuana Home Use does not include any multi-family dwelling.

SECTION 2. Amendment to Section 30-255.

The following Section 3(b) is added to Section 30-255 of the Village of Capac Zoning Ordinance regarding Accessory land uses in the R-1 District:

(3) Home occupations

- (b) Medical marijuana home occupations. In addition to the requirements herein applicable to all home occupations, medical marijuana home occupations must meet the following:
  - (i) The medical use of marijuana must comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
  - (ii) A registered primary caregiver operating a medical marijuana home occupation must not be located within 1,000 feet of a school, as measured from the outermost boundaries of the lot or parcel on which the home occupation and school is located.

- (iii) Not more than one primary caregiver per parcel may be permitted to grow or cultivate medical marijuana.
- (iv) Not more than five qualifying patients may be assisted with the medical use of marijuana within any given calendar week.
- (v) All medical marijuana must be contained within an enclosed, locked facility inside a primary or accessory building.
- (vi) All necessary building, electrical, plumbing and mechanical permits must be obtained for any portion of the building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located.
- (vii) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. and 7:00 a.m. must employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
- (viii) That portion of the building where energy usage and heat exceed typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers must be subject to inspection and approval by the Village of Capac fire department to ensure compliance with the Michigan fire protection code.
- (ix) The premises must be open for inspection upon request by the building official, the fire department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.

SECTION 3. Amendment to Section 30-280.

The following Section 4(b) is added to Section 30-280 of the Village of Capac Zoning Ordinance regarding Accessory land uses in the R-2 District:

- (4) Home Occupations
  - (b) Medical marijuana home occupations. In addition to the requirements herein applicable to all home occupations, medical marijuana home occupations must meet the following:
    - (i) The medical use of marijuana must comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the

General Rules of the Michigan Department of Community Health, as they may be amended from time to time.

- (ii) A registered primary caregiver operating a medical marijuana home occupation must not be located within 1,000 feet of a school, as measured from the outermost boundaries of the lot or parcel on which the home occupation and school is located.
- (iii) Not more than one primary caregiver per parcel may be permitted to grow or cultivate medical marijuana.
- (iv) Not more than five qualifying patients may be assisted with the medical use of marijuana within any given calendar week.
- (v) All medical marijuana must be contained within an enclosed, locked facility inside a primary or accessory building.
- (vi) All necessary building, electrical, plumbing and mechanical permits must be obtained for any portion of the building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located.
- (vii) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. and 7:00 a.m. must employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
- (viii) That portion of the building where energy usage and heat exceed typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers must be subject to inspection and approval by the Village of Capac fire department to ensure compliance with the Michigan fire protection code.
- (ix) The premises must be open for inspection upon request by the building official, the fire department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.

SECTION 4. Amendment to Section 30-305.

The following Section 4(b) is added to Section 30-305 of the Village of Capac Zoning Ordinance regarding Accessory land uses in the R-3 District:

(4) Home Occupations

- (b) Medical marijuana home occupations. In addition to the requirements herein applicable to all home occupations, medical marijuana home occupations must meet the following:
- (i) The medical use of marijuana must comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
  - (ii) A registered primary caregiver operating a medical marijuana home occupation must not be located within 1,000 feet of a school, as measured from the outermost boundaries of the lot or parcel on which the home occupation and school is located.
  - (iii) Not more than one primary caregiver per parcel may be permitted to grow or cultivate medical marijuana.
  - (iv) Not more than five qualifying patients may be assisted with the medical use of marijuana within any given calendar week.
  - (v) All medical marijuana must be contained within an enclosed, locked facility inside a primary or accessory building.
  - (vi) All necessary building, electrical, plumbing and mechanical permits must be obtained for any portion of the building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located.
  - (vii) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. and 7:00 a.m. must employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
  - (viii) That portion of the building where energy usage and heat exceed typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers must be subject to inspection and approval by the Village of Capac fire

department to ensure compliance with the Michigan fire protection code.

- (ix) The premises must be open for inspection upon request by the building official, the fire department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.

SECTION 5. No Other Amendment.

Except as amended above, this Ordinance does not amend any other provision of the Village of Capac Ordinances.

SECTION 6. Severability.

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

SECTION 7. Effective Date.

This Ordinance shall take effect 15 days after publication.

Certification

I, Lisa M Lulis, Clerk of the Village of Capac do hereby certify that Ordinance No. 2021-03 adopted by the Village of Capac council at a regular meeting held on the 1<sup>st</sup> day of June, 2021 was published as provided by law.

Vote on this Ordinance, 5 members being present, was as follows:  
Mary Klug, Debra Hlubic, Joe Herrington, Joe Nemecek, John Grzyb

AYES: 5

NAYS: 0

ABSENT: 2

This Ordinance is hereby authenticated.

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John T Grzyb, President  
Village of Capac

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Lisa M Lulis, Clerk  
Village of Capac